

I. SUBJECT MATTER JURISDICTION

3. Removal of this case is proper under 28 U.S.C. § 1441, because this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332. As set forth below, there exists complete diversity between Plaintiff and TAWC, and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

A. Complete Diversity

4. The only Defendant in the State Action is TAWC. TAWC is a Nevada limited liability company with its principal place of business in the City of Phoenix, Maricopa County, Arizona.

5. As evidenced by its allegations in the Petition, Plaintiff is an Oklahoma corporation with its principal place of business located in the City of Hinton, Caddo County, Oklahoma. *See Exhibit 2*, p. 1.

B. Amount in Controversy Exceeds \$75,000, Exclusive of Interest and Costs

6. In the Petition Plaintiff alleges that Plaintiff is seeking damages in excess of the amount required for diversity jurisdiction (*See Exhibit 2*, p. 1), and in its prayer for relief, Plaintiff alleges it is entitled to damages in the amount of One Hundred Thousand and 00/100 Dollars (\$100,000.00), for alleged breach of contract. The damages of \$100,000.00 sought by Plaintiff clearly exceed \$75,000.00, exclusive of interest and costs.

II. ADDITIONAL PROCEDURAL REQUIREMENTS

7. Thirty (30) days have not elapsed since Defendant was served with the Summons and Petition in the State Action. The Summons and Petition constitute all of the papers and pleadings served on Defendant. Defendant has not filed an answer or other responsive papers in the State Action.

8. The United States District Court for the Western District of Oklahoma embraces Caddo County in which the State Action is now pending, and thus, this Court is a proper venue for this action pursuant to 28 U.S.C. § 116(c).

9. Pursuant to the requirements of 28 U.S.C. § 1446(a) and Local Rule 81.2, attached hereto as **Exhibit 3** is a copy of the docket sheet in the State Action. **Exhibits 1** and **2** attached as a part hereof constitute true and correct copies of the Summons (**Exhibit 1**) and the Petition (**Exhibit 2**) issued for service upon Defendant. No answer, motions, or other pleadings have been filed in the State Action, and to the knowledge of Defendant, no discovery has been initiated in the State Action. Therefore, **Exhibits 1** and **2** constitute all pleadings and process served on Defendant in the State Action designated as Case No. CJ-11-24 in the District Court of Caddo County, State of Oklahoma.

10. Defendant is filing written notice of this removal with the Clerk of the District Court of Caddo County in which the State Action is currently pending pursuant to 28 U.S.C. § 1446(d). Copy of this Notice of Removal is being served upon Plaintiff's counsel pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendant respectfully removes this action from the District Court of Caddo County to the United States District Court for the Western District of Oklahoma, pursuant to 28 U.S.C. § 1441.

[Signature appears on following page]

s/ T. Scott Spradling
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ATTORNEYS FOR DEFENDANT,
THE ALAN WAYNE COMPANY, LLC

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2011 I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, counsel for the Plaintiff is not an ECF registrant. Therefore, on said date I placed a complete copy of this Notice with all Exhibits in the U.S. Mail addressed to Plaintiff's counsel as set forth below and also sent a complete copy by e-mail.

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s/ T. Scott Spradling